

Knobbe Martens Olson & Bear LLP

Intellectual Property Law

RECEIVED
CENTRAL FAX CENTER

NOV 12 2004

2040 Main Street
Fourteenth Floor
Irvine, CA 92614
Tel 949-760-0404
Fax 949-760-9502
www.kmob.com**Facsimile Transmittal Sheet**

ORIGINAL WILL NOT FOLLOW

Confidentiality Notice:

The documents accompanying this facsimile transmission contain confidential information which may be legally privileged. The information is intended only for the use of the recipient named below. If you have received this facsimile in error, please immediately notify us by telephone to arrange for return of the original documents to us; and any disclosure, copying, distribution or the taking of any action in reliance on the contents of this faxed information is strictly prohibited.

TO: Examiner Hani M. Kazimi
USPTO FACSIMILE NO.: 703.305.7687
USPTO REFERENCE: Applicant: Kevin J. Wagoner et al.
Serial No.: 09/283,120
Filed: March 31, 1999
Title: CONTINUOUS ONLINE AUCTION SYSTEM AND METHOD

ATTORNEY: TMC
PHONE NO.: 949.721.2897
ATTORNEY DOCKET NO.: AUTOB.059A
TOTAL PAGES: 10 (INCLUDING COVER SHEET)
DOCKETING AGENT: N/A
DATE: November 12, 2004

IF YOU DID NOT RECEIVE ALL OF THE PAGES, PLEASE CALL BACK IMMEDIATELY.

Facsimile Operator Phone Number: (949) 760-0404

Direct Line to Machine: (949) 760-9502

MESSAGE: *Attached for filing in the above-referenced application are:*

Courtesy Copy of Request for Reconsideration of Advisory Action Mailed
October 12, 2004 (Filed today by facsimile to USPTO's central number.).

FAXPTO
H:\DOCS\TMC\TMC-2364.DOC
111204

San Diego
619-235-8550

San Francisco
415-954-4114

Los Angeles
310-551-3450

Riverside
951-781-9231

San Luis Obispo
805-547-5500

Knobbe Martens Olson & Bear LLP*Intellectual Property Law*RECEIVED
CENTRAL FAX CENTER

NOV 12 2004

2040 Main Street
Fourteenth Floor
Irvine, CA 92614
Tel 949-760-0404
Fax 949-760-9502
www.kmob.comTed M. Cannon
949-721-2897
tcannon@kmob.com

November 12, 2004

Examiner Hani M. Kazimi
United States Patent and Trademark Office
Art Unit 3624
Facsimile Number (703) 305-7687Re: U.S. Patent Application
CONTINUOUS ONLINE AUCTION SYSTEM AND METHOD
Application No. 09/283,120
Request for Reconsideration of October 12, 2004 Advisory Action

Dear Examiner Kazimi:

As you requested during my telephone conversation with you on November 5, 2004, I have filed a request for reconsideration of the October 12, 2004 advisory action in the above-referenced case. I have enclosed a courtesy copy of the request for reconsideration that I filed by facsimile to the central number today.

As you know, the six-month date for responding to the Final Office Action is November 28, 2004. Accordingly, please expedite your consideration of this request so that the Applicants can avoid paying substantial extension of time fees to keep this case from going abandoned.

Sincerely,



Ted M. Cannon

Enclosure
H:\DOCS\TMC\TMC-2363.DOC
11/12/04San Diego
619-235-8550San Francisco
415-954-4114Los Angeles
310-551-3450Riverside
951-781-9231San Luis Obispo
805-547-5580

RECEIVED
CENTRAL FAX CENTER

NOV 12 2004

AUTOB.059A

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Kevin J. Wagoner, et al.
Appl. No. : 09/283,120
Filed : March 31, 1999
For : CONTINUOUS ONLINE
AUCTION SYSTEM AND
METHOD
Examiner : Hani M. Kazimi
Group Art Unit : 3624

CERTIFICATE OF FAX TRANSMISSION

I hereby certify that this correspondence and all
marked attachments are being transmitted via
facsimile to the USPTO Central Fax No. (703)
872-9306 on the date shown below:

November 12, 2004

(Date)


Ted M. Cannon, Reg. No. 55,036REQUEST FOR RECONSIDERATION OF ADVISORY ACTION MAILED 10/12/2004**Mail Stop AF**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

Applicants respectfully request the Examiner to reconsider the October 12, 2004 advisory action in the above-referenced application. In the advisory action, the Examiner noted that Claims 54-57 of Applicants' July 28, 2004 amendment contain new features that require further search and consideration. Accordingly, the Examiner did not enter the July 28, 2004 amendment.

Applicants respectfully disagree with the Examiner's finding that Claims 54-57 contain new features. Instead, Applicants respectfully submit that Claims 54-57 have the same scope as Claims 53 and 54 as presented in Applicants' October 29, 2003 amendment. Accordingly, because the Examiner indicated that Claims 53 and 54 would be allowable if rewritten in independent form, Applicants believe that the July 28, 2004 amendment placed the application in condition for allowance. Applicants respectfully submit that the Examiner should have entered the July 28, 2004 amendment and should have allowed Claims 54-57 and Applicants respectfully request such action.

Applicants thank the Examiner for granting Applicants' attorney a telephonic interview on November 5, 2004 to discuss this issue. During that interview, the Examiner encouraged Applicants' attorney to file a request for reconsideration of the advisory action. The Examiner